

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, March 13, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 173 carefully examined and compared and find same correctly engrossed.
REGAN, Chairman.

Committee Room,
Austin, Texas, March 13, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 76 carefully examined and compared and find same correctly engrossed.
REGAN, Chairman.

Committee Room,
Austin, Texas, March 13, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 164 carefully examined and compared and find same correctly engrossed.
REGAN, Chairman.

Committee Room,
Austin, Texas, March 13, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 51 carefully examined and compared and find same correctly engrossed.
REGAN, Chairman.

Committee Room,
Austin, Texas, March 13, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 12 carefully examined and compared and find same correctly engrossed.
REGAN, Chairman.

Committee Room,
Austin, Texas, March 13, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 88 carefully examined and compared and find same correctly engrossed.
REGAN, Chairman.

Committee Room,
Austin, Texas, March 13, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 78 carefully examined and compared and find same correctly engrossed.
REGAN, Chairman.

FORTY-FOURTH DAY.

Senate Chamber,
Austin, Texas,
Wednesday, March 15, 1933.
The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.

Absent—Excused.

Woodward.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Fellbaum.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By unanimous consent, the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bills:

By Senator Martin:

S. B. No. 443, A bill to be entitled "An Act amending Article 1821, Revised Civil Statutes of 1925, as amended by Chapter 33, General

Laws, Forty-first Legislature, 1929, defining the final jurisdiction of the Courts of Civil Appeals, by providing that the jurisdiction of the Courts of Civil Appeals shall not be final, and the Supreme Court may grant a writ of error, in any one of the cases mentioned in Article 1821, as amended, where there is involved the validity or construction of a statute or where there is a dissenting opinion in the Court of Civil Appeals or where the decision of said Court conflicts with a prior decision of the same court or with a prior decision of some other Court of Civil Appeals or with a prior decision of the Supreme Court; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

Senator Martin asked unanimous consent to introduce a bill relative to capital punishment.

Objection was heard.

Senator Martin moved to suspend rule relating to introduction of general bills after the first 52 days of the session and introduce the bill.

The motion prevailed by the following vote:

Yeas—25.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Russek.
Hopkins.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodul.
Neal.	

Nays—4.

DeBerry.	Poage.
Hornsby.	Woodruff.

Absent.

Regan.

Absent—Excused.

Woodward.

The bill is as follows:

By Senator Martin (by request):

S. B. No. 444, A bill to be entitled "An Act to amend Articles 798, 799, 800, 801, 802, 803, 804, 805, 806, 807 and 810 of Chapter 4, Title 9, of the Code of Criminal Procedure of the State of Texas, 1925, relating to

the enforcing of judgment in capital cases so as to provide for the time of execution, the method of execution, the place of execution, those who shall be present, escape after sentence, and escape from the penitentiary."

Read and referred to Committee on Criminal Jurisprudence.

By unanimous consent, the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bill:

By Senator Regan:

S. B. No. 445, A bill to be entitled "An Act to amend Article 1601, Chapter 5, Title 33, of the Revised Civil Statutes of the State of Texas, 1925, as amended by Acts 1927, Fortieth Legislature, Regular Session, page 264, Chapter 185, so as to require all indebtedness against a courthouse shall be paid in full before the county seat of any county can be moved from its present location; repealing all laws or parts of laws in conflict herewith; declaring a rule of construction; and declaring an emergency."

Read and referred to Committee on State Affairs.

Senator Excused.

Senator Woodward was excused for the day on account of important business, on motion of Senator Small.

H. C. R. No. 27.

Senator Moore raised the point of order that H. C. R. No. 27, reported today, had not been considered before the committee.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order, holding that the committee report was regular and he could not go behind the committee report.

Senator Moore moved to re-commit the resolution to the Committee on State Highways and Motor Traffic.

Senator Parr moved to table the motion to re-commit. The motion to table was lost.

The motion to re-commit the resolution prevailed.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of sign-

ing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 247. H. B. No. 34.
H. B. No. 211.

Memorial Lost.

The Chair laid before the Senate: A memorial to Congress concerning a storage reservoir on the Rio Grande River at or near the State line between the states of Colorado and New Mexico and draining into the Rio Grande of the area in the San Luis Valley known as the Closed Basin.

The memorial was read.

Senator Woodul sent up the following amendment:

Amend by changing in the last paragraph the words "Secretary of the Senate" to read "Chief Clerk of the House of Representatives."

WOODUL.

Read and adopted.

The memorial was lost by the following vote:

Yeas—8.

Cousins.	Parr.
Fellbaum.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.

Nays—19.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Sanderford.
Holbrook.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	

Absent.

Neal.	Russek.
Patton.	

Absent—Excused.

Woodward.

S. B. No. 228 Re-referred.

On motion of Senator Poage, S. B. No. 228 was withdrawn from the Committee on State Affairs and was re-referred to the Committee on Finance.

H. C. R. No. 35.

The Chair laid before the Senate: H. C. R. No. 35, A concurrent reso-

lution Endorsing the appointment of L. A. Robinson to a position with the Department of Justice.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

Read and adopted.

Senator Poage received unanimous consent to be recorded as voting "No."

H. C. R. No. 42.

The Chair laid before the Senate:

H. C. R. No. 42, A concurrent resolution granting Jess V. Creech permission to sue the State.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

The resolution was read.

Senator Woodruff moved to recommit the resolution to the Committee on State Highways and Motor Traffic. The motion was lost.

The resolution was adopted.

Senator DeBerry received unanimous consent to be recorded as voting "No."

H. C. R. No. 43.

The Chair laid before the Senate:

H. C. R. No. 43, A concurrent resolution granting R. A. Robinson permission to sue the State.

The resolution was read.

The committee report recommending that the resolution be not printed

was adopted by unanimous consent.

The resolution was adopted.

Senator DeBerry received unanimous consent to be recorded as voting "No."

Message From the House.

Hall of the House of Representatives,
Austin, Texas, March 15, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. J. R. No. 2, A joint resolution proposing an amendment to Section 26, of Article 3, of the Constitution of Texas, by adding thereto Section 26a, providing that under no apportionment shall any county be entitled to more than six (6) representatives unless the population of such county shall exceed six hundred thousand (600,000) people; providing for the apportionment in counties of more

than six hundred thousand (600,000) people; providing for its submission to the voters as required by the Constitution and making an appropriation therefor.

S. B. No. 37, A bill to be entitled "An Act prohibiting any judge or officer of an election from betting or wagering on the election or nomination of any person; prohibiting betting or wagering on the number of votes polled or cast, or to be polled or cast in the precinct or voting box in which any officer is serving in certain cases; prescribing offenses and punishment; and declaring an emergency."

(With amendments.)

S. B. No. 40, A bill to be entitled "An Act to declare a closed season on the killing of blue quail, bob whites and doves in Yoakum County for a period of five years, prescribing a penalty therefor, and declaring an emergency."

S. B. No. 104, A bill to be entitled "An Act making it unlawful to hunt, take or pursue any wild deer in the county of Galveston for a period of five years following the passage of this Act; providing a suitable penalty, repealing all laws or parts of laws in conflict with this Act and declaring an emergency."

S. B. No. 245, A bill to be entitled "An Act to designate and fix the 3rd day of November as 'Father of Texas Day' in memory of Stephen F. Austin, the real and true Father of Texas."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Resolution Referred.

H. J. R. No. 2, referred to Committee on Constitutional Amendments.

Motions to Concur.

On motion of Senator Hornsby, the Senate concurred in the House amendment to S. B. No. 245 by the following vote:

Yeas—30.

Beck.	Fellbaum.
Blackert.	Greer.
Collie.	Holbrook.
Cousins.	Hopkins.
DeBerry.	Hornsby.
Duggan.	Martin.

Moore.
Murphy.
Neal.
Oneal.
Pace.
Parr.
Patton.
Poage.
Purl.

Rawlings.
Redditt.
Regan.
Russek.
Sanderford.
Small.
Stone.
Woodruff.
Woodul.

Absent—Excused.

Woodward.

On motion of Senator Moore, the Senate concurred in the House amendment to S. B. No. 37 by the following vote:

Yeas—30.

Beck.
Blackert.
Collie.
Cousins.
DeBerry.
Duggan.
Fellbaum.
Greer.
Holbrook.
Hopkins.
Hornsby.
Martin.
Moore.
Murphy.
Neal.

Oneal.
Pace.
Parr.
Patton.
Poage.
Purl.
Rawlings.
Redditt.
Regan.
Russek.
Sanderford.
Small.
Stone.
Woodruff.
Woodul.

Absent—Excused.

Woodward.

House Bill No. 175.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Holland:

H. B. No. 175, A bill to be entitled "An Act to authorize the creation of corporations in this State under the general corporation laws for the purpose of forming and operating a general detective agency or company to do a general detective business, to employ and furnish persons to make investigations and reports, and to furnish guards or watchmen to protect industrial plants, business institutions and residential property; and declaring an emergency."

Read second time.

Senator Purl sent up the following amendment:

Amend by adding a new section to read as follows:

Nothing in this Act shall be construed as relieving any individual

or corporation from any liability for acts committed on their premises or elsewhere by agents of corporations incorporated under the provisions of this Act.

PURL.

Read and adopted.

On motion of Senator Martin the vote by which the amendment was adopted was reconsidered.

The amendment was adopted.

Senator Fellbaum sent up the following amendment:

Amend H. B. No. 175 by adding the following after the word "State" on page 21, end of Section 1.

Provided that before any member or employee of such corporation can carry a pistol or other concealed weapon, he must obtain permission to do so from either the county or city authorities, where such corporations are transacting business and same shall be of record in such county and provided further that such permit only issue upon the furnishing by such permittee of a bond in a penal sum of not less than \$2000.00.

FELLBAUM.

The amendment was read.

Senator Collie sent up the following amendment to the amendment:

Amend the amendment by Fellbaum by inserting the following, at the end thereof: Provided that when commissions are issued by any authorized officer such commission shall be placed of record.

COLLIE.

Read and adopted.

The amendment as amended was adopted.

The bill was passed to third reading.

On motion of Senator Woodul, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 175 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Hopkins.
Blackert.	Hornsby.
Collie.	Martin.
Cousins.	Moore.
DeBerry.	Murphy.
Duggan.	Neal.
Fellbaum.	Oneal.
Greer.	Pace.
Holbrook.	Parr.

25—Jour.

Patton.
Poage.
Purl.
Rawlings.
Redditt.
Regan.

Russek.
Sanderford.
Small.
Stone.
Woodruff.
Woodul.

Absent—Excused.

Woodward.

Read third time and finally passed.

House Bill No. 411.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Few and Mr. Stovall:

H. B. No. 411, A bill to be entitled "An Act amending Article 322 of the 1925 Revised Civil Statutes of Texas, same being Acts of 1927, Fortieth Legislature, page 222, Chapter 151, by omitting the word 'fortieth' which same is the Fortieth Judicial District of Ellis County, Texas, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Martin, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 411 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.

Absent—Excused.

Woodward.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Collie.
Blackert.	Cousins.

DeBerry.	Parr.
Duggan.	Patton.
Fellbaum.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.

Absent—Excused.

Woodward.

Senate Bill No. 227.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Harman, Mr. Mathis, Mr. Graves, Mr. Calvert, and Mr. Devall:

H. B. No. 227, A bill to be entitled "An Act providing for the removal of guardianships from one county in this State to another county therein, when the residence of the ward is changed to such other county, and in cases where the guardian of the ward's estate is in one person or corporation, and his natural guardian, or guardian of his person is another; etc., and declaring an emergency."

Read second time.

On motion of Senator Sanderford, the bill was laid on the table subject to call.

S. C. R. No. 28.

Senator Hopkins sent up the following resolution:

To grant E. B. Sullivan and W. W. Hawkins permission to sue the State.

Whereas, E. B. Sullivan and W. W. Hawkins, citizens of Harris County, Texas, are the owners, subject to an oil and gas lease in favor of the Humble Oil & Refining Company, of that certain tract of land consisting of 15.77 acres of land, more or less, in Montgomery County, Texas, claimed by said E. B. Sullivan and W. W. Hawkins to be a portion of the Theo Slade Survey, said tract being described as follows:

Beginning at an iron pipe in the West boundary line of what is known as the W. M. Real Survey, from which a 12-inch dh gum marked X bears North 8 East 4 vrs. and a 16-inch red oak marked X bears North 59 W. 4 vrs.;

Thence South 0 40 West 134.7 vrs.

to a point in the North boundary line of the Ransom House one-third league and labor;

Thence with the North boundary line of said Ransom House Survey to the Northwest corner of same;

Thence North 15 West 118.4 vrs. more or less to an iron pipe in the South boundary line of the portion of the Theo Slade Survey set aside to A. J. Thurston in a partition of said survey between Chas. L. Rogers and A. J. Thurston as per decree dated January 28, 1907, in Cause No. 4160 in the District Court of Montgomery County, Texas, styled Chas. L. Rogers vs. Cash & Luckel, et al., from which an 18-inch elm marked X bears North 47 east 10 vrs. and a 12-inch pine marked X bears South 32 West 4 vrs.;

Thence with south boundary line of that portion of said Theo Slade survey, set aside to the said A. J. Thurston North 74 07 East 736.3 vrs. to the place of beginning; and,

Whereas, Under a claim of said tract being a vacancy, the Honorable J. H. Walker, Commissioner of the General Land Office of Texas, did on the 10th day of November, 1932, in the name of the State execute and deliver a mineral lease covering said above 15.77 acres of land to one J. E. Franks; and,

Whereas, The Humble Oil & Refining Company has acquired the title of both the said E. B. Sullivan and W. W. Hawkins and the said J. E. Franks for the purpose of drilling and exploring said land as to the minerals thereunder, with certain obligations on the part of said Humble Oil & Refining Company for the payment of a certain part or portion of the minerals produced as royalty, and there is a dispute or question as to whether such payment should be made to W. W. Hawkins and E. B. Sullivan or to the State of Texas; and,

Whereas, Said 15.77 acres of land is located in what is known as the Conroe Oil Field in Montgomery County, Texas, and the Humble Oil & Refining Company has at this time entered upon said land, drilled the same and has produced oil therefrom, and will continue to produce oil therefrom, and is ready to pay to the party or parties having the title to said land the royalties and oil payments due said party or parties under the oil and gas lease under which

the said Humble Oil & Refining Company holds such title; and,

Whereas, The said Humble Oil & Refining Company can not with safety make payment to either the said E. B. Sullivan and W. W. Hawkins, under their claim of title, or the State of Texas, under its claim of title, until the question of the title to said land is determined by judicial proceedings; and,

Whereas, E. B. Sullivan and W. W. Hawkins claim the title to said land and claim that said land was not vacant land at the time of the execution of the lease by the said J. H. Walker, Land Commissioner, to the said J. E. Franks and the said J. H. Walker, Land Commissioner, claims that said land was vacant land at said time.

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the said E. B. Sullivan and W. W. Hawkins be, and they are hereby, granted permission to bring suit to test the title to the above described land and minerals thereunder against the State of Texas, venue of said suit to be in Travis County, and in case said suit is so filed, service of citation or any other necessary process to be had in said cause, insofar as the State of Texas is concerned, may be had upon the said J. H. Walker, Commissioner of the General Land Office of Texas, and the Attorney General of the State of Texas with the same force and effect as made and provided for in civil cases.

HOPKINS.

The resolution was referred to the Committee on State Affairs.

Bill Ordered Printed.

Senator Moore moved that the committee report on S. B. No. 39 be changed to require the bill to be printed. The motion prevailed.

House Bill No. 54.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Jefferson:

H. B. No. 54, A bill to be entitled "An Act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works,

providing for the ascertainment of such general prevailing rate by the public body awarding the contract, and its insertion in the contract and call for bids for the contract, etc., and declaring an emergency."

Read second time.

Senator Fellbaum sent up the following amendment:

Amend H. B. No. 54, page 1, Section 1, line 48, by striking out after the word "works" the following: "exclusive of maintenance work."

FELLBAUM.

The amendment was read.

Senator Stone moved to set the bill as special order immediately following the morning call tomorrow morning. The motion prevailed.

Consent was granted for the following amendment to be sent up to accompany the bill:

Amend H. B. No. 54, page 2, Section 2, line 4, by striking out after the word "contract" the following:

"In case any dispute arises as to what are the prevailing rate of wages for work of a similar nature, applicable to the contract, which dispute cannot be adjusted by the contracting officer, the matter shall be referred to the Commissioner of Labor for determination, and his decision thereon shall be conclusive on all parties to the contract."

FELLBAUM.

Motion to Print.

Senator Moore spread on the Journal a motion to print S. B. No. 283 on minority report.

Adjournment.

On motion of Senator Russek, the Senate, at 12:27 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Committee Reports.

Committee Room,

Austin, Texas, March 14, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 6, A bill to be entitled "An Act to amend Articles 8253 and 8254 of the Revised Civil Statutes of Texas of 1925 providing for the

appointment of branch and deputy pilots, requiring a bond conditioned upon the faithful performance of his duties as a pilot, providing for the approval of bond by the pilot commissioners of the district, requiring an oath of office, authorizing suit on bond by any person, firm, or corporation injured or damaged, fixing the term of office of pilots and their deputies and the responsibility of the pilot for his deputy; and declaring an emergency."

Have had the same under consideration and I am instructed to report to back to the Senate with the recommendation that it do not pass.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, March 14, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Institutions and Departments, to whom was referred

S. B. No. 239, A bill to be entitled "An Act providing that the State Board of Control shall furnish proposals to those making application therefor in all cases where contracts are to be made; providing for an annual service charge for placing the names of prospective bidders on the State mailing list; allowing said Board to make a service charge for proposals to those who are not on the mailing list, or to forego such charges and accept bids and award contracts where a hardship might be worked on a particular bidder or class of bidders; providing that the amount collected shall be deposited in the State Treasury in the name of the 'State Board of Control Special Service Account,' and used to defray all necessary charges and expenses in connection with the furnishing or sending out of said proposals, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PURL, Chairman.

Committee Room,

Austin, Texas, March 14, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Institutions and Departments, to whom was referred

S. B. No. 286, A bill to be entitled

"An Act making it an offense punishable by removal, for any officer, employee, member or members of any Board of Regents, Board of Managers, President, Dean or other officer or employee of any State educational institution or penal or eleemosynary institution, or any State department executive, chief or other employee, to increase the personnel of, or to increase the compensation of any employee, officer, agent or representative out of local, special, emergency, deficiency, or other funds of whatever kind or character coming into possession of any State educational institution, State eleemosynary institution, or State department, bureau, commission or other State agency in excess of the amount specified and appropriated biennially or at other intervals, by the Legislature, to prohibit increasing the number of employees in any institution, department, board, bureau or commission without authority of certain individuals, fixing a penalty and method of removal for violating this Act, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PURL, Chairman.

Committee Room,

Austin, Texas, March 14, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Institutions and Departments, to whom was referred

S. B. No. 241, A bill to be entitled "An Act to provide for the depositing with the State Treasurer of all funds received by or belonging to State departments, institutions, schools, colleges, universities, boards, bureaus, commissions or other agencies of the State government; providing for handling of trust funds as special funds in the State Treasury where no manner of management is provided for; providing for 'petty cash' or revolving funds for emergency needs; prohibiting deposits other than with the State Treasurer; providing for penalties for violation of this Act and fixing the venue of prosecution in Travis County, and declaring an emergency."

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do pass and be printed.

PURL, Chairman.

Committee Room,
Austin, Texas, March 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Institutions and Departments, to whom was referred

S. B. No. 383, A bill to be entitled "An Act to amend Chapter 206, Section 20a of the General Laws of the Regular Session of the Forty-second Legislature; relating to changing the budget by the Legislature or the county commissioners court; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PURL, Chairman.

Committee Room,
Austin, Texas, March 15, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Institutions and Departments, to whom was referred

S. B. No. 298, A bill to be entitled "An Act to prevent any State employee, agent or representative of any State department, bureau, board or commission, educational, eleemosynary or penal institution or court, having or holding any financial interest, directly or indirectly in any business of any kind or character, any boarding house, rooming house, restaurant, cafe, hotel, cafeteria, agricultural, horticultural, poultry, livestock or other similar business patronized by the State of Texas, by students enrolled in State educational institutions, by inmates in State eleemosynary or penal institutions, by faculty members and/or other employees of educational, eleemosynary and/or penal institutions or State departments wherever located; providing for removal of offenders of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PURL, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, March 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a majority of your Committee on Insurance, to whom was referred

S. B. No. 283, A bill to be entitled "An Act to amend Sections 2 and 3-A of an Act passed by the Legislature of Texas February 26, 1929, House Bill No. 153, relating to title insurance business and the capital stock of corporations doing such business, and to prohibit such corporations guaranteeing mortgages, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

PURL, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, March 14, 1933.
Sir: We, a minority of your Committee on Insurance to whom was referred

S. B. No. 283, A bill to be entitled "An Act to amend Sections 2 and 3-A of an Act passed by the Legislature of Texas February 26, 1929, House Bill No. 153, relating to title insurance business and the capital stock of corporations doing such business and to prohibit such corporations guaranteeing mortgages, and declaring an emergency."

Have had the same under consideration, and beg to differ with the majority of the committee, and report it back to the Senate with the recommendation that it do pass.

HOLBROOK,
MOORE.

Committee Room,
Austin, Texas, March 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Institutions and Departments, to whom was referred

S. B. No. 187, A bill to be entitled "An Act restricting the appointment of citizens as members of boards of regents, boards of managers and commissions for the control and management of educational and eleemosynary institutions, and prohibiting the appointment of certain citizens of Texas to the militia and other

military and law enforcement organizations of the State, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment and be printed.

PURL, Chairman.

Committee Amendment.

Amend S. B. No. 187, line 1, Section 1, by striking out the words "not be lawful" and insert in lieu thereof the following: "be unlawful."

Committee Room,
Austin, Texas, March 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 349, A bill to be entitled "An Act prohibiting the use of seines, nets, trawls, or the possession of, etc., from tidal waters of Willacy County."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, March 15, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 632, A bill to be entitled "An Act amending Acts of 1930, Fifth Called Session, 41st Legislature of Texas, Page 212, Chapter 66, otherwise identified as Article 2774a, Revised Civil Statutes of 1925, by exempting certain cities and towns from the provisions thereof until the people residing therein, by referendum, avail themselves of the provisions thereof by vote of the majority of the qualified voters thereof; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, March 15, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 316, A bill to be entitled "An Act amending Article 2843 of the Title 49, Chapter 16, Revised Statutes of 1925, as amended by Chapter 210, Acts Regular Session 41st Legislature and Chapter 83 Acts Second Called Session 41st Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, March 15, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 760, A bill to be entitled "An Act authorizing and requiring the Board of Trustees of the Public Free Schools of the City of Galveston to set aside and appropriate the fund of \$50,000.00 represented by the Guaranty Building and Loan Company certificates heretofore donated to said Board of Trustees by Mrs. I. Lovenbert on the 13th day of October, 1931, for the purpose of providing, establishing and maintaining a retirement fund, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, March 15, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

S. B. No. 333, A bill to be entitled "An Act to repeal Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of Chapter 2 of the Acts of the Second Called Session of the 42nd Legislature, and declaring an emergency."

Have had the same under consideration and I am instructed to re-

port it back to the Senate with the recommendation that it do pass, and be printed.

DeBERRY, Chairman.

Committee Room,
Austin, Texas, March 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 246, (Labeling of names on cars and trucks in which petroleum products are shipped).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment and be printed.

SMALL, Chairman.

Committee Amendment.

To amend the caption of H. B. No. 246 by adding after the figures "1106" in said caption the following: "and further providing for the manner of sale of reclaimed and re-filtered lubricating oil."

Committee Room,
Austin, Texas, March 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 80 (Illegal fees).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 83 (Fees of sheriff or constable).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal

Jurisprudence, to whom was referred

S. B. No. 84 (Fees of sheriff or constable).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 279 (Qualifications of witnesses in criminal cases).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 354 (Cesspools in incorporated cities).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 399 (Sexual grounds for divorce).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 435 (Time of collection of fees).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 436 (Bail bonds).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 437 (Compensation of district attorneys).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 438 (Requiring certain reports of district clerks).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 85 (Testimony in examining courts).

Have had the same under consid-

eration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and be printed.

SMALL, Chairman.

Amendment No. 1.

Amend S. B. No. 85 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. Article 1020, Code of Criminal Procedure of 1925, is hereby amended so as to hereafter read as follows:

Article 1020. In each case where a county judge or a justice of the peace shall sit as an examining court in a felony case, they shall be entitled to the same fees allowed by law for similar services in misdemeanor cases to justices of the peace, and ten cents for each one hundred words for writing down the testimony, to be paid by the State, not to exceed three dollars for all his services in any one case.

Sheriffs and constables serving process and attending any examining court in the examination of any felony cases, shall be entitled to such fees as are fixed by law for similar services in misdemeanor cases in county court to be paid by the State, not to exceed four dollars in any one case, together with mileage as provided in Articles 1029 and 1030, Code of Criminal Procedure, 1925. Provided that no sheriff or constable shall be entitled to receive from the State any further mileage fees accruing as a result of any second or subsequent arrest of said defendant in the same case and that in no event shall he be allowed to duplicate his fees for mileage for making arrests without a warrant, or when two or more warrants of arrest or capias are served or could have been served on the same defendant on any one day.

District and county attorneys, for attending and prosecuting any felony case before an examining court, shall be entitled to a fee of five dollars to be paid by the State for each case prosecuted by him before such court. Such fee shall not be paid except in cases where the testimony of the material witness to the transaction shall be reduced to writing, subscribed and sworn to by said

witnesses; and provided further that such written testimony of all material witnesses to the transaction shall be delivered to the district clerk under seal, who shall deliver the same to the foreman of the grand jury and take his receipt therefor. Such foreman shall, on or before the adjournment of the grand jury, return the same to the clerk who shall receipt him and shall keep said testimony in the files of his office for a period of five years.

The fees mentioned in this Article shall become due and payable only after the indictment of the defendant for an offense based upon the charge filed in the examining court and upon an itemized account, sworn to by the officers claiming such fees, approved by the judge of the district court, and said county or district attorney shall present to the district judge the testimony transcribed in the examining trial, who shall examine the same and certify that he has done so and that he finds the testimony of one or more witnesses to be material; and provided further that a certificate from the district clerk, showing that the written testimony of the material witnesses has been filed with said district clerk, in accordance with the preceding paragraph, shall be attached to said account before such district or county attorney shall be entitled to a fee in any felony case for services performed before an examining court.

Only one fee shall be allowed for an examining trial, though more than one defendant is joined in the complaint. When defendants are proceeded against separately, who could have been proceeded against jointly, but one fee shall be allowed in all cases that could have been so joined. The account of the officer and the approval of the judge must show that the provisions of this Article are complied with.

Sec. 2. The fact that the interests of the peace officers and the State can best be served by the passage of this bill, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Amendment No. 2.

Amend S. B. No. 85 by striking out all above the enacting clause and inserting in lieu thereof the following:

A BILL

To Be Entitled

An Act amending Article 1020, Code of Criminal Procedure of the State of Texas for 1925; and declaring an emergency.

FORTY-FIFTH DAY.

Senate Chamber,
Austin, Texas,

Austin, Texas, March 16, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By unanimous consent, the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bills and resolutions:

By Senator Cousins (by request):

S. J. R. No. 25, A joint resolution proposing an amendment to Article VIII of the Constitution of the State of Texas by adding thereto another